

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

WILLIAM TIMOTHY PARKER

PLAINTIFF

VS.

CIVIL ACTION NO. 2:19-cv-120-KS-JCG

**MISSISSIPPI DEPARTMENT of WILDLIFE,
FISHERIES & PARKS, A STATE AGENCY,
AND OFFICER RICHARD HOLIFIELD,
IN HIS INDIVIDUAL CAPACITY**

DEFENDANTS

NOTICE OF REMOVAL

TO: Joe Sam Owen, Esq
Owen, Galloway & Myers, P.L.L.C.
1414 25th Avenue
Gulfport, MS 39502-0420

Honorable Concetta Brooks
Jones County Circuit Clerk
P.O. Box 1336
Laurel, MS 39441

Pursuant to 28 U.S.C. §§ 1441(b) and (c), defendants Mississippi Department of Wildlife, Fisheries & Parks and Richard Holifield hereby remove this action, *William Timothy Parker v. Mississippi Department of Wildlife, Fisheries & Parks, a State Agency, and Officer Richard Holifield in his individual capacity*, Civil Action No. 2019-053-cv7, from the Circuit Court of the Second Judicial District of Jones County, Mississippi, to the United States District Court for the Southern District of Mississippi, Eastern Division. In support of this removal, these defendants would show unto the Court as follows:

1. In his Complaint, Plaintiff explicitly seeks relief under 42 U.S.C. § 1983 and other federal law. *See Exhibit 1, Complaint, p. 2.* Because Plaintiff is seeking relief

for alleged violations of federal law, this Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 and §§ 1441(b) and (c).

2. The state law claims alleged by Plaintiff are “so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a). As such, this Court has supplemental jurisdiction over all of Plaintiff’s state law claims as well. *Id.*

3. Plaintiff filed his Complaint on July 1, 2019. *Ex. 1*. The removing defendants were served with process on July 23 and 22, 2019, respectively. This notice of removal is timely under 28 U.S.C. § 1446(b), because it is being filed no later than thirty days after service upon the removing defendants.

4. The United States District Court for the Southern District of Mississippi, Eastern Division, includes Jones county, in which the state court action is now pending. Thus, venue is proper in this Court pursuant to 28 U.S.C. § 1441(a).

5. Copies of all process, pleadings and orders served upon the defendants are collectively appended to this notice of removal as Exhibit 1 pursuant to 28 U.S.C. § 1446(a). Pursuant to L.U.Civ.R. 5(b), a certified copy of the entire state court record is appended to this notice of removal as Exhibit 2.

6. Defendants are filing this written notice of removal with the Clerk of the Jones County Circuit Court, Second Judicial District, where this action is currently pending, pursuant to 28 U.S.C. § 1446(d). A copy of this notice of removal is also being served upon Plaintiff’s counsel, Joe Sam Owen, Esq., pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Mississippi Department Wildlife, Fisheries & Parks and Richard Holifield respectfully remove this action from the Circuit Court of the Second Judicial District of Jones County, Mississippi, to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

RESPECTFULLY SUBMITTED, this the 20th day of August, 2019.

**MISSISSIPPI DEPARTMENT WILDLIFE,
FISHERIES & PARKS, Defendant**

BY: Benny M. May, Esq.

RICHARD HOLIFIELD, Defendant

BY: Benny M. May, Esq.
William H. Hussey, Esq.
Elliott V. Haller, Esq.

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CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this day caused to be mailed, via U.S. Mail, postage prepaid, a true and correct copy of the above and foregoing document, together with the exhibits referenced therein, to the following interested parties:

Joe Sam Owen, Esq
Owen, Galloway & Myers, P.L.L.C.
1414 25th Avenue
Gulfport, MS 39502-0420

Honorable Concetta Brooks
Jones County Circuit Clerk
P.O. Box 1336
Laurel, MS 39441

This, the 20th day of August, 2019.

/s/ Benny M. May
Benny M. May